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LETTER DATED 23 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I enclose herewith a letter dated 22 November 1998, from Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq stating Iraq's position vis-à-vis the issues raised by the Chairman of the Special Commission in the letter dated 20 November 1998 which he addressed to you.

I should appreciate it if you would have my letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

[Original: English]

Letter dated 22 November 1998 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council

We received three letters from the Executive Chairman of UNSCOM on 17, 18,19 November 1998. We responded to the first two. The third letter was received Friday morning, and while we were preparing our response to it on Saturday we learned about the Executive Chairman's letter of 20 November addressed to Your Excellency, which seemed to have created confusion. Consequently, in view of the circumstances, it became necessary to address a detailed response to this last letter while our response to the Executive Chairman's third letter is under preparation.

Introductory Remarks

The Executive Chairman contends that the purpose of his letter to you was to "generally increase the level of verification" with respect to disarmament issues and related matters of concealment activities by Iraq. According to his letter, he judged appropriate to seek this information "now" in the light of Iraq's undertaking of 14 November. The Executive Chairman engages further in what he termed "analysis and commentary" to place his own interpretation that Iraq is not cooperating with UNSCOM.

The first point made by the Executive Chairman in this vein is that Iraq contends in its replies that preparations for the comprehensive review "has already commenced". The Chairman thought that that was what he called " the underlying contention of Iraq's two replies." This in fact is presumptuous.

Our letter on 19 November responding to the Executive Chairman's letter of 17 November, which related to requests for documents, made a reference to the prevailing trend in the deliberations of the Council since 6 August 1998, which is not illusory. But, our response did not leave the matter at that. It included a clarification of our position on the requests made by UNSCOM in an Annex. Incidentally, I shall deal with the Executive Chairman's comments on those clarifications below.

The Question of the Biological File

As for our response to the Executive Chairman's letter of 18 November, which related to the question of biological weapons, our response again referred to the prevailing trend in the Security Council in regard to the comprehensive review. But judging by the past work done in this area with UNSCOM, which shows in no uncertain terms that no meeting of mind is possible, given the gulf between the respective positions and the different approaches adopted, we concluded that the requests of the Executive Chairman are impossible to satisfy. Let me elaborate on this point so that no doubt will remain in the minds of the members of the Council.

The Executive Chairman sought in his letter of 18 November a "substantially revised or new FFCD " on the ground that " in the last 18 months, Iraq's full, final and complete disclosures (FFCDs) in the biological weapons area have been reviewed by four groups of international experts, all of which have concluded unanimously that the FFCDs were incomplete, inadequate and technically flawed and, in their totality, could not be verified. The last of these expert meetings recommended that no further verification assessment of Iraq's current FFCD should be conducted until Iraq committed itself to provide new substantial information."

Iraq submitted the FFCD on the biological area in June 1996 after a series of meetings with the UNSCOM biological team which began in July 1995 until 22 June 1996. During that period, draft accounts were submitted to UNSCOM for comments, which were duly made and taken

into consideration to make sure that the FFCD would be acceptable in its final form. UNSCOM then undertook a series of verification measures through interviews and scores of inspections . The chief inspector at the time (UNSCOM - 157) expressed confidence that the verification measures may take from 6 to 9 months unless a political decision is taken to close the biological file earlier .

However, in April 1997, UNSCOM stated that the biological weapons FFCD was not credible .

The former Executive Chairman Ekeus then suggested that Iraq may consider restructuring the FFCD, in spite of Iraq's protestations that the essential elements of Iraq's FFCD, namely production, weaponization, and unilateral destruction, cannot be changed, as their account is truthful and important milestones are evidenced by a number of documents .

Nevertheless , Iraq did revise the FFCD and re-presented it in September 1997. This was in response to the Executive Chairman Ekeus advice, as Iraq perceived that UNSCOM extremist judgement of the June 1996 that the FFCD is " not credible " cannot be changed by Iraq's insistence that Iraq had nothing to add .

UNSCOM assembled a team of international experts late in September 1997 and reviewed the 700 pages FFCD and judged it deficient, inaccurate etc. However, some comments by the experts were noteworthy, such as:

- In 1990 the programme was immature and still in the process of further planned expansion and development.
- The experts also recommended that UNSCOM should inform Iraq:

-What aspects of the BW programme are not covered in the FFCD?
-What inaccuracies does it contain ?

During March 20-27, Technical Evaluation Meetings were held in Vienna. The TEM was attended by 18 experts from 14 countries of whom only 4 or 5 were new . They have been briefly exposed in New York and Vienna to masses of documents and materials originating from Iraq's draft declarations and two formal FFCD's for which there was insufficient time to study and to formulate a conclusion therefrom. Therefore, members of the TEM adopted the readymade opinions and comments and the numerous questions prepared by the old group and confronted the Iraqi side with that. Thus, the Iraqi team spent considerable time responding to questions many of which were irrelevant, insignificant or already settled and verified through visits , tests , inspections and analyses, discussions and interviews over the past 30 months of work with UNSCOM. The team's evaluation report was full of generalities containing nothing specific in the way of contradicting evidence . It failed to reflect Iraq's point of view in anyway and did not include Iraq's response delivered to the TEM in the final session .

Then the Executive Chairman suggested in June 1998 that perhaps another gathering of international experts should meet in Baghdad to consider the Iraq's September 1997 FFCD from " the top of the pyramid down " beginning with weaponization and ending with production and material accounting. The meetings which took place in Baghdad (17-23 July 1998) resulted in the following :

* At the top level the overall assessment is that Iraq's account of its biological weapon's programme is not a verifiable account .

* At the next level , on the matters considered by the experts , the material balance accounts as set out in the FFCD for weapons , bulk agent and media are also not verifiable .

However, Iraq suggested that in the areas where Iraq's account is deemed unverifiable the experts could consider the present viability of agents and weapons produced in 1990 from the scientific and technical angle . This suggestion the experts declined to follow and stated that their terms of reference from UNSCOM is to consider whether Iraq's account was verifiable or not. The example which the experts sighted as satisfactory for verification was the Al Hakam dual use equipment which were declared by Iraq as having been utilized in the production and were subsequently destroyed by UNSCOM in 1997. The Iraqi side pointed out that the agents and munitions were unilaterally destroyed in 1991 prior to UNSCOM arrival, and, thus, there was only remnants and traces of the munitions and agents destroyed, and, therefore, the physical evidence of their existence is not the same as the equipment. Consequently, the verification measures had to take that fact into account and more imaginative methods should be adopted . Some such measures were taken in some cases by competent inspectors which proved Iraq's declaration but are consistently ignored in UNSCOMs headquarters when reports are prepared and submitted to the Council

However, it is noteworthy that the international experts' opinion this time did not report that Iraq's FFCD was flawed or deficient. Their comments concentrated on verifiability. It is curious that many important aspects from the disarmament perspective are ignored in the overall assessment of the biological weapons programme.

The following examples illustrate our point :

* On many occasions, the inspection team stated that the verification of R-400 aerial bombs is going well . Moreover, finding the debris of the destroyed bombs was considered by the inspectors very important in the verification process and it was the physical evidence of destruction as confirmed by UNSCOM-173 Chief Inspector. In addition , UNSCOM took many samples from the destruction remnants to analyze them , and the results correlated with Iraq's declaration . The Chief Inspector of UNSCOM-187

declared that the results will help the Special Commission to understand the past biological program and will assist the verification process. Finally, the Special Commission sent a verification team (UNSCOM-197) in aerial bombs destruction field which declared that the commission achieved a lot in destroying and burying their remnants. Accordingly, if UNSCOM has not been able to verify this issue as it has claimed recently, why did UNSCOM destroy the bombs and bury their remnants as a final stage of verifying this issue?

* The Special Commission acknowledge the accounting for and the verification of missile special warheads as follows :

- UNSCOM presentation to the Security Council on 3 June 1998 stated : " As to the special warheads, nearly ALL declared special warheads have been accounted for ".
- The Executive Chairman's letter to the Minister of Oil dated 13 July 1998 stated : " Iraq declared that 45 special warheads had been destroyed unilaterally in July 1991. The assessment of the warhead remnants excavated since August 1997 allows for the identification of 43-45 special warheads coming from the sites of the unilateral destruction. The level has been reached by the identification of warhead noses of special warheads. This finding has been in essence confirmed through the identification of other types of warheads components, in particular, type of special containers . This is the most important result in the joint effort to establish the material balance of proscribed warheads ."

- UNSCOM's October 1998 report (Doc. S/1998/ 920 Para. 25 at Page 9) stated : " The Commission was able to account for the destruction of between 43 to 45 operational special warheads declared by Iraq as having been unilaterally destroyed in 1991. This constituted a major accomplishment ."

* A video tape handed over to UNSCOM which clarified the remaining numbers of empties of aerial bombs which were not filled and destroyed under UNSCOM's supervision. The said tape confirmed the credibility of the information supplied by the Iraqi side on the material balance of R-400 aerial bombs.

* The conclusions given in UNSCOM 231 report stated : " over the past four days we have investigated four issues concerning biological activity undertaken in Iraq in the period 1991 to 1995, the acquisition of fermenters at Al Hakam , repair and provision of spray dryers by the Al Karama Factory , the acquision of Single Cell Protein Plant and components from Russia , and the Laboratory Equipment Factory at Beiji. No evidence of activity contrary to Security Council Resolution 687 or 715 was found. This is an inspection which should be satisfactory for both sides."

Iraq stated on several occasions that there are no biological weapons on Iraq's territory since July 1991 and UNSCOM has found nothing contrary to Iraq's declaration and the disarmament task has been fully implemented as far as agent and munitions are concerned since July 1991 and as far as sites equipment , and materials was fully implemented in 1997. Furthermore, the ongoing monitoring in the biological weapons area established since 1994 has not recorded a single violation by Iraq of Security Council Resolution 687 (1991).

The most important fact to remember in this connection is that nothing proscribed was found by UNSCOM over the period from Aug. 1995 up to the present which contradicts Iraq's declaration as a result of thousands of visits and inspections to sites declared by Iraq or designated by UNSCOM for inspections.

Despite this background which is well known to the Executive Chairman, he goes on in his letter to you to conclude on the basis on an assumption that:" Iraq's reply seems to indicate that it is not prepared to do any further disarmament work with the Commission in the biological weapons area, unless required to do so by the Security Council, following

a comprehensive review." This in fact is not true. To begin with it is not in the interest of Iraq not to conclude the work in the biological file. Secondly, given the situation as it is between Iraq and UNSCOM on the question, Iraq has no other option than to rely on the Security Council for resolving the issues involved in the light of the concrete facts that should be well known by now. It is inconceivable that Iraq will not cooperate in resolving outstanding issues in this field when the Council will have the occasion to define according to the modalities of the comprehensive review precisely that. This point is clear from the concept paper of the Secretary General of 5 October and the Letter of the Council of 30 November.

Access to Archives

On the question of UNSCOM's request to have " access to the relevant archives" of the Ministry of Defence, the Military Industrialization Corporation and other Government Departments, the letter of the Executive Chairman stated that our reply " avoids the question as put and does not undertake that such access will be granted." This accusation is unfounded. It is abundantly clear from our response that we stated the number of times those sites were inspected by UNSCOM teams with an emphasis on archives. Those archives were in fact inspected in accordance with the Modalities for Inspecting Sensitive Sites agreed upon between UNSCOM and Iraq on 22 June 1996 as revised by the two sides in December 1997. In regard to the Ministry of Defence, the inspections not only covered the headquarters of the said Ministry but also all the 27 main branches and directorates thereof. The same also took place in regard to the headquarters of the Military Industrialization Corporation , and all its affiliated establishments. As is well known, these entities are inspected on a continuous basis and are subjected to the monitoring regime of the Commission. The same inspections were conducted in the other Government Departments as we indicated in our reply.

It is very important to remember, and as we indicated in our reply, that the central activity of all these inspections was to have access to the archives of the sites inspected All this was done without hindrance.

But it is also important to remember that the letter of the Executive Chairman is seeking something else. His letter stated: " Sight should also not be lost of the fact that Iraq has an obligation under the resolutions of the Council to make available to the Commission any document which in the Commission's view is relevant to its mandate. Full access, full

disclosure by Iraq would be of immense assistance. That is why it was asked for such an access, generically." To begin with, Iraq has not failed to meet this obligation. Iraq has provided UNSCOM with 1760 documents comprising 8020 pages covering the three files and 4 video films. This is in addition to the Hayder farm documents which amounted to 680000 pages of documents as well as a large number of video and micro films. Despite that, however, the implications of the statement quoted above means that Iraq is under an obligation to provide any requested document whether it exists or otherwise. This position on the part of the Executive Chairman is a quest for attaining the impossible. The letter of the Executive Chairman does not leave the matter at that. It goes on to state:

" Finally, it should be noted in this context, that Iraq's response does not seek to assert that the relevant archives do not exist." This statement seems to imply that Iraq is concealing relevant documents while it is obviously true that if such documents were in Iraq's possession, Iraq would not have failed to provide them since this will be in its best interest. But it seems that the underlying reason for the overemphasis placed by the Executive Chairman on this issue is the desire to having an endless game to show Iraq at fault. It should be remembered that the account of the events and steps taken in Iraq which resulted in the destruction of documentation relating to Iraq's programmes. was discussed with and explained to the former Executive Chairman in 1994. The Chairman wrote on 5 February 1994 a letter to us stating that the information appeared comprehensive and sufficient for the purposes of the Special Commission.(Letter attached). We leave it to the members of the Council to compare the two approaches adopted by the former and the latter Executive Chairmen on the same issue.

Comments on the Specific Comments made by the Letter of the Executive Chairman on Iraq's Clarifications

I come now to deal with the comments made by the Executive Chairman in his letter to you following the same enumeration contained therein.

1. While we stand by the description of the required paper as stated in the Clarifications annexed to our letter of 19 November, we should like to point out that the Executive Chairman claims that the so-called Air Force document will enable UNSCOM " to verify and to account credibly for all proscribed weapons which remained in Iraq after the Gulf War " as "the Commission has to know the total holdings of Iraq's chemical weapons

and their disposition prior to the adoption of resolution 687(1991)". This argument can be refuted by the following reasons :

1.1. The paper does not provide any details of the chemical munitions expenditure other than the total quantity per year of two types of munitions calibres without any indication of the type of the chemical agent filled. Therefore, there is no useful information to be gained for material balance purposes.

1.2. The total expenditure of munition does not necessarily equal the total quantity produced. Allowance has to be made for rejects, leakages and discarded batches as is well known in manufacturing practice.

1.3. Only a rough idea of the empty munition accounting can be obtained from the papers as the bulk chemical filling is not identified.

1.4. Most importantly, the total holdings of Iraq's chemical weapons prior to the adoption of Security Council resolution 687 (1991) is given in full details at the end of the 1990 inventory of the Muthanna State Establishment for:

- all types of empty and filled munitions.
- all quantities of bulk agents produced remaining unfilled.
- all chemical precursors.
- all other items and assets normally stored at the establishment.

In this connection, we would like to recall what we stated in the pertinent part of the clarifications annexed to our letter of 19 November 1998 , which read as follows: " Should UNSCOM still require the handing over of the paper relating to any question regarding the material balance of special munition, we should like to recall in this connection the provisions of paragraph 5 of the MOU of 23 February 1998, which calls for following the procedures hitherto established. One of the established procedures, as you know, is the Joint Programme of Action of 22 June 1996, which provided the undertaking of the parties to work in transparency and sharing information. On that basis, Iraq is ready fully to consider with an expert team of UNSCOM the contents of the relevant portions of the paper under consideration in full transparency in the presence of the Personal Representative of the Secretary General. We are confident that, through this mechanism, we could resolve this issue and alley the concerns of UNSCOM."

2. As for the document which UNSCOM refers to as the "Reply of the Muthanna State Establishment on the recommendations of the Ministry of Defence on actions concerning the development of chemical weapons", Iraq made all the facts concerning this question quite clear, including the final instructions issued by the higher authorities on the basis of all the considerations and replies of all the authorities addressed. More importantly Iraq provided UNSCOM with plans reports and actions taken by Muthanna State Establishment at the end of 1988, 1989 and 1990 in the form of original documents and reports signed by the Director General of Muthanna State Establishment. These included :

- The annual report document of Muthanna State Establishment in 1988 addressed to the Military Industrialization Corporation in January 1989 (42 pages).
- A report concerning Muthanna State Establishment activities for the first half of 1989 (14 pages).
- Muthanna State Establishment activities follow-up report in 1990 addressed to the senior Deputy of the Military Industrialization Corporation (5 pages).
- Inventory list of the produced materials of Muthanna State Establishment up to 31/12/1990 (1 page).
- Inventory list of raw chemicals stored at Muthanna State Establishment up to 25 December 1990 (7 pages)

One is left to wonder as to why UNSCOM keeps repeating the same request for the reply which has been given repeatedly, namely that the document requested is lost.

3. Regarding the request to hand over documents and records on the status of the production of Vx, Iraq provided UNSCOM with documents covering the production activities of agents and munitions at Muthanna State Establishment dated December 1990 and January 1991 in which Vx is not mentioned as it was not successfully produced, and, therefore, it follows not weaponized. This fact is inexplicably ignored and the demand for records for the failed production attempt is repeatedly asked for and Iraq's answer each time is ignored. Iraq does not only "claim" that it did not successfully produce Vx. In fact, Iraq provided the evidence within reports covering the said period up to January 1991 by virtue of the non existence of the item Vx agent and the non existence of munitions amongst the production status of the establishment for the year 1990 up to 5 January 1991. Moreover, the failure to find traces of Vx degradation products on warheads remnants is another proof of Iraq's position.

4. Iraq has presented a huge amount of documents , which have helped the Special Commission in the verification of missiles, warheads and launchers. In Nov. 1993 the missile verification was accomplished after dispatching a large inspection team consisting of 100 inspector to Iraq, where the team conducted broad activities during 35 working days, using the most sophisticated equipment and helicopters equipped with ground penetration radar to detect any buried objects. Consequently the Special Commission stated in its semi annual report (S/26910) the following :
"No undeclared prohibited items or activities were identified by UNSCOM-63. UNSCOM-63 discovered no evidence that contradicted the information provided by Iraq or issues related to its mission"

- In February 1994 Iraq submitted the missile diaries which were forensically tested by international labs to prove their authenticity.
- In 1996 the Special Commission concerns were focused on the missiles' unilateral destruction. Three inspection teams have verified the destruction remnants, when in January1996 the Special Commission indicated only the following pending points in the missile area:
* Remnants' of (8) engines were not found.
* Serial numbers of six missiles supplied by former USSR were not found in the remnants or any consumption diary.
*The Special Commission believed that Iraq has dismantled key parts from (30) engines before destruction.
* UNSCOM believes that Iraq has substituted fired, training or Iraqi made engines and destroyed them unilaterally in order to retain imported operational engines.
-The above mentioned points were the topic of discussions between both parties , but they were solved after lab analysis of a lot of the remnants in Russian , French and American labs.

The Special Commission recognized in its semi-annual report of 11 October 1997 (Doc. S/1997/ 774 para. 123 page 27) that all the above-mentioned missiles were destroyed proving the credibility of Iraqi declarations and confirming the missiles material balance.

- Concerning the launchers , the report of the Special Commission on 11/10/1997 (document S/1997/774) has confirmed that the launchers account was complete (14 combat launchers).
- Concerning the warheads , Iraq has cooperated with the Special Commission to verify the chemical and the biological special warheads.

After a very hard work in the years 1997 and 1998 the Special Commission made a complete account for the special warheads.

- Brigadier Ismael's personal diary is private , and Iraq did not consider it as one of the state secrets as Mr. Butler claims. The diary does not contain any clear information as the case should be in any official document. Brigadier Ismael used symbols instead of clear information and he used self-invented codes symbolizing the verbal orders that he used to receive from his superiors. He used to write down also his own notes during meetings with his superiors or with his staff. Nobody can understand such notes clearly. Therefore , what is the importance of Brigadier Ismael's personal diary in the face of official documentary evidence and the material evidence which Iraq has presented to prove the material balance of missiles , launchers and warheads. The Special Commission knows very well that the diary does not exist and has been destroyed.

5- What is mentioned above also applies to the request of the Special Commission of Lt. Gen. Hazim's notes. The Executive Chairman's letter justifies requesting such a report on the ground that it contains information related to the material balance of missiles and warheads which as we have seen has been fully accounted for as reported above.

6. Regarding the document for the creation of the missile brigade 223.we stand by our position stated in our letter 19 November 1998.

7. In October 1991 the Iraqi side declared that efforts were exerted in the research and development field to produce the engine indigenously and that some parts and equipment concerning this activity have been imported. In addition attempts were made to produce some parts indigenously.

The Iraqi side clarified in the FFCD which was submitted to the Commission in June 1992 that all the imported or the locally manufactured parts had been unilaterally destroyed. This has been verified by UNSCOM-36.

- In the FFCD draft , which was submitted to the Special Commission in November 1995 Iraq clarified in details the engine manufacturing steps starting from the imported parts and equipment and the attempts to assemble combustion chambers. In addition it explained the technical level of the project in the production stages , the main problems which the

project faced , and the flight or static tests implemented by the project. This has been supported by documents of 2 thousand pages.
- A lot of technical discussions (according to UNSCOM requests) were made concerning production level tests and materials movement up to the unilateral destruction in Summer of 1991 as well as destruction method and conditions. Accordingly, UNSCOM obtained a comprehensive and clear picture. In the light of this UNSCOM destroyed a number of machines it deemed essential for engine production.
The Iraqi side cooperated with UNSCOM in September 1997 by implementing joint excavation efforts to extract the remnants of the indigenously produced engines in order to verify the quantities and types declared by Iraq.

The Iraqi side has also cooperated with UNSCOM-241 in march 1998 to conduct additional verification concerning the unilateral destruction of the parts and materials of indigenously manufactured engine. The team has also conducted site visits and agreed upon collecting the remnants of the destroyed and melted materials for the purpose of weighing them. Samples were taken in order to analyze them , the Iraqi side has facilitated the interviewing of all personnel involved in the destruction of these materials. In addition the Iraqi side provided detailed explanations and with inventory lists for these materials that have been unilaterally destroyed in order to assist in the verification.

In confornity with the Schedule for Work on Outstanding Disarmament issues agreed upon on 14 June 1998, the Iraqi side provided a comprehensive and detailed presentation for UNSCOM-242 at the end of July 1998 , regarding the technological and technical level achieved by Iraq in the field of the indigenous engine production. The assembling of many experimental combustion chambers and how those chambers did not meet the technical requirements and were not ready for the production stage.
- UNSCOM-242 chief inspector with the accompanying international experts expressed their satisfaction on having obtained all the required information for the verification. In addition to settling the unilateral destruction issue for the project's parts and assemblies through the destruction inventory documents and comparing them with the material evidence of the remnants of the unilateral destruction. Only one minor point remaining was to make certain that the type of the melted blocks is stainless steel.

- Engineer Muqdam was working in the assembly department at the project dealing with the engine production. According to a request addressed by UNSCOM-242 to search for any document which can illustrate the level of the engine production, the result of the search was the submission of 11 pages torn from his personal diary which provided the requested information in details and the team was satisfied with the result. The chief inspector considered the papers as very useful for verification. UNSCOM-242 appreciated this cooperation from the Iraqi side and did not ask for the entire diary to be handed over. Subsequently, engineer Muqdam has disposed of his personal diary as a personal matter.

8. The Special Commission verified the consumption of fuel and oxidizer with a quantity of (2435) tons of oxidizer and (661) tons of fuel , through original consumption diaries totaling (80) documents of about (210) pages.

- The Special Commission supervised the destruction of (52) tons of oxidizer and (20) tons of fuel in July 1991.
- The Special Commission verified the unilateral destruction of fuel and oxidizer implemented in August 1991 (in fact, it was destroyed according to the Special Commission request in August 1991 which verified the destruction in September 1991) with a quantity of (370) tons of oxidizer and (135) tons of fuel by UNSCOM-13.
- The issue of the unilateral destruction of oxidizer and fuel was never raised to the Iraqi side since August 1992 till 1996. The Special Commission raised the issue again under the pretext that it was not able, at that time, to account for the destroyed quantities. The verification was curried out qualitatively, due to the destruction method proposed by the Special Commission itself by mixing the fuel and oxidizer and pouring it on the soil. Due to the hazardous conditions of the fuel and oxidizer tanks UNSCOM-13 did not approach the tanks for further verification and requested the Iraqi side to complete the disposal of the material. UNSCOM-13 and UNSCOM-18 were satisfied when they inspected the site in September and October 1991
- Since 1991 until 1996 the Special Commission did not ask for supporting documents regarding fuel and oxidizer issue , because the unilateral destruction of fuel and oxidizer had been verified . For that reason the Iraqi side did not search for such documents.

- In November 1996, the Special Commission requested the Iraqi side to hand over several documents including the consumption diaries of the unilateral destruction. The Iraqi side made great efforts to locate the required documents. Regrettably that particular diary could not be found. The Iraqi side has clarified this point many times to the Special Commission since 1996.

- The technical documents of the supplier of the propellant shows that the shelf life does not exceed ten years in the best storing conditions. As the Special Commission knows , the last shipment of fuel has reached the country at the and of 1987 / beginning of 1988. Even if we suppose that amount of fuel has not been destroyed , it would be useless by now due to aging.

- The missile's fuel and oxidizer are dual use and not prohibited. Iraq is permitted to manufacture missiles with a range less than 150 Km according to SCR 687 , therefore Iraq can use missile propellant. Iraq could either manufacture or import such propellant in the future.

9. We stand by the position expressed in the clarifications annex attached to our letter of 19 November 1998.

10. The fact that unilateral destruction was implemented depending on verbal orders has been explained to the very details for many inspection teams. Iraq has submitted a lot of documents which enabled the Special Commission to verify the unilateral destruction , for missiles , chemical and biological weapons. So, since the destruction orders were verbal , there are no existing documents on this point. However, Iraq has presented full documents on the unilateral destruction of missiles and launchers (military destruction diaries). Iraq has also submitted documents on the destruction of special warheads and aerial bombs filled with chemical and biological agents. Moreover, in some documents there are indications that destruction took place according to verbal orders.

11- The Iraqi authorities announced officially that it did not hold any investigation concerning the defection of Hussein Kamil. The Special Commission was informed after the defection that he had ordered some of his staff who were working in the past program not to declare certain items , though these items were unilaterally destroyed. Accordingly, the Iraqi authorities ordered all the past programmes staff to present all the information which Hussein Kamil forced them to conceal from the Special Commission. That was what actually took place. At the end of 1995 and in 1996 Iraq rendered all the assistance required to hold interrogation interviews with all the individuals who worked with Hussein Kamil, those who executed his orders and even those who have no relation with the issue. The said interviews included officers from the Special Security Apparatus , the Special Guards , the Republican Guards , and the Military Industrialization Corporation and its Security Unit. Though this issue has no relation to disarmament , Iraq fully cooperated in this effort hoping that this chapter will come to an end. However , if investigation documents were available, it would be more easy to hand them over to the Special Commission instead of conducting the interviews with individuals and officers working in sensitive sites and thereby save a lot of effort and time.

12. We stand by our position as explained in the clarifications annexed to our letter of 19 November 1998.

Concluding Remarks

In conclusion, I deem it necessary to raise some points of a general nature which have a cardinal importance on this latest episode.

In the first place, the Security Council is aware that it is Iraq's position that it has fulfilled all the requirements of paragraphs 8 to 13 of resolution 687 (1991) which should bring about the implementation of paragraph (22) of the said resolution. It is also well known that UNSCOM thinks otherwise. This difference of positions should be quite evident from the deliberations of the two sides in the high level meeting held in Baghdad on 3 August 1998, during which we addressed the three fundamental questions to the Executive Chairman to which he declined to respond. That led to our decision of 5 August 1998, subsequent to which the proposal of

the Secretary General on the comprehensive review was presented. Since then, significant developments took place. These are illustrated by the intensive consultations between Iraq and the Secretary General and between the members of the Council themselves in which Iraq presented its views; and, the positions adopted by the Council, in regard to Iraq's decisions of 5 August and the subsequent one of 31 October, and notably in resolutions 1194(1998) and 1205 (1998). All these developments could perhaps be summarized in a one equation, namely that Iraq should rescind its decisions and demonstrates that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with UNSCOM and the IAEA, that the Secretary General confirms that to the Council on the basis of reports from UNSCOM and the IAEA and that the comprehensive review commences. In view of the decision of Iraq of 14 November, it is only natural for Iraq to have the legitimate expectation that the resumption of full cooperation should have the comprehensive review in sight Iraq's understanding of the present situation in the manner I describe here, and as we did in our responses to the first two letters of the Executive Chairman, cannot, by any stretch of imagination, be described as lack of cooperation. This is all the more so, as should appear to any fair minded observer from the extensive comments noted above, that the requests addressed to Iraq by the Executive Chairman have been the subject of extensive discussion and fulfillment in the past. Consequently, it should be puzzling why the Executive Chairman continues to raise settled, or what should be considered as settled questions, and jump to the conclusion that Iraq is not cooperating with UNSCOM, and thereby obfuscate the comprehensive review, while the record, as we noted above, proves otherwise.

Secondly, in the letter addressed to me by the Executive Chairman on 20 November, he noted that " the Council has decided that Iraq must demonstrate that it is prepared to fulfill all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the IAEA." While this formulation appears in resolutions 1194 (1998) and 1205 (1998), the Executive Chairman contends that : " it was to facilitate this process" that he wrote to me on 18 November, as the " materials he sought were designed to clear away as many outstanding issues as possible prior to a comprehensive review and,

of course, provide an opportunity to Iraq to demonstrate the full cooperation required to enable that review to begin." This statement requires some comments. From the record noted above, the requests of the Executive Chairman ignored the record of the past work done by Iraq and regards , as is evident from his requests, all questions as open. This position brings the work back to square one and manipulates the timing and the manner of conducting the comprehensive review irrespective of what was decided by the Council. Furthermore, the position taken by the Executive Chairman boils down to this: that Iraq should always answer any request in the affirmative regardless of the limits of the possible and it is not entitled to make any explanation; otherwise, Iraq, in the view of the Executive Chairman, will not be cooperating.

Thirdly, the members of the Council should be aware that after we adopted our decision of 14 November, we started our preparations for the comprehensive review only to witness a barrage of letters from the Executive Chairman containing requests already discussed and on the whole are either more or less settled or impossible to meet Now, in the light of the immediate atmosphere prior and after Iraq's decision of 14 November, the statements made by the Executive Chairman in the public media, and notably his article in the 16- 23 November 1998 issue of International Newsweek, of which the Council members are aware, we could not but doubt the motivations of the requests addressed to us. Certainly, the Executive Chairman could not have been unaware of the declared policy of two permanent members to launch a military attack on Iraq instantly once they deem Iraq as not cooperating with UNSCOM and the IAEA regardless of going back to the Council to deliberate the question. Jumping hastily to the Council to cast doubt on Iraq's cooperation, the Executive Chairman has been acting in fact in a non-professional manner as a United Nations official should.

Finally, I should like to reaffirm once again that Iraq shall adhere to, and act in accordance with, the relevant resolutions of the Council and the Memorandum of Understanding of 23 February 1998.

I would be grateful if you would circulate this letter to all members of the Council. A further original Arabic copy of this letter will be sent in due course.

(Signed) Tariq Aziz
Deputy Prime Minister

Enclosure

Letter dated 5 February 1994 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1998) addressed to the Director of the Military Industrialization Corporation of Iraq

I have the honour to refer to my letter of 30 November 1993, and to our discussions in Baghdad between 2 and 5 February 1994 regarding the points raised in that letter.

I very much appreciate receiving your account of the events and the steps taken in Iraq which resulted in the destruction of documentation relating to Iraq's programmes proscribed by Security Council resolution 687 (1991). That account is the first I have received which describes coherently and sequentially the considerations and actions leading to the destruction of documentation which had survived the Gulf conflict. I am of the opinion that the information you have now provided appears comprehensive and sufficient for the purposes of the Special Commission.

I am also most grateful for your making available the accounting records of Iraq's missile use over the years 1980 to 1990. On the basis of their initial forensic examination by experts on UNSCOM 66, and what I have seen myself of the records, I have no reason to believe that they are not authentic. However, given the great significance of these records in resolving outstanding differences regarding Iraq's expenditure of SCUDs, a full and definitive forensic examination, employing techniques not available to UNSCOM 66, should serve to resolve completely this issue. I shall arrange for such an examination in Europe and shall return all the records to you as soon as the examination is complete, and in any event within two months.

(Signed) Rolf EKÉUS
Executive Chairman
Office of the Special Commission